IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

OP.No. 16447 of 1999(G)

PETITIONER:

SRI.A.V.SHAJI, ARAKKAPARAMBIL HOUSE,
NELLAYI, PROPRIETOR, AMMA CLAY WORKS,
THORAVU PUDUKKAD, THRISSUR DISTRICT.

BY ADV. SRI.M.C.GOPI

RESPONDENTS:
----

1. **KERALA STATE ELECTRICITY BOARD,**
   REP.BY ITS SECRETARY, VYDHYUTHI BHAVAN,
   THIRUVANANTHAPURAM,

2. **THE DEPUTY CHIEF ENGINEER,**
   ELECITRICAL CIRCLE,
   IRINJALAKUDA, THRISSUR DISTRICT.

3. **THE EXECUTIVE ENGINEER, ELECITRICAL DIVISION,**
   CHALAKUDY PO., THRISSUR DISTRICT.

4. **THE ASSISTANT EXECUTIVE ENGINEER,**
   ELECITRICAL MAJOR SECTION,
   PUDUKKAD PO., THRISSUR DISTRICT.

BY ADV. SRI.T.G.RAJENDRAN SC FOR K.S.E.B.
SRI. ASOK M.CHERIYAN, SC, KSEB
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/03/2007, ALONG WITH OP NO. 13925 OF 2000 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.26808/1999 IN OP. NO.16447/1999

DISMISSED

14.03.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE CERTIFICATE OF REGISTRATION DT.30.11.93 BY THE DIST.INDUSTRIES CENTRE.

EXT.P2:- COPY OF THE ORDER DB 62/97/98/PA NO.20/97/98/2724/26.2.98 BY THE 3RD RESPONDENT.

EXT.P3:- COPY OF THE LETTER DT.7.6.99 BY THE 4TH RESPONDENT.

EXT.P4:- COPY OF THE REPLY DT.10.6 .99 BY THE PETITIONER TO THE 4TH RESPONDENT.

EXT.P5:- COPY OF THE ORDER NO. DB/99-2000/11.6.99 BY THE 4TH RESPONDENT.

EXT.P6:- COPY OF THE INVOICE DT.10.6.99.

EXT.P7:- COPY OF THE INVOICE DT.11.6.99.

EXT.P8:- COPY OF THE OBJECTION DT.19.6.99.

RESPONDENTS EXHIBITS

EXT.PR4(a):- COPY OF THE SITE MAHAZAR DT.3.6.99.

EXTR4(b):- COPY OF THE CALCULATION STATEMENT DT.11.6.99.

EXT.R4(c):- COPY OF THE STATEMENT GIVEN BY THE PETITIONER DT.15.6.99.

/TRUE COPY/

KURIAN JOSEPH, J.

O.P.Nos.16447 of 1999 and 13925 of 2000

Dated this the 14th day of March, 2007

JUDGMENT

Petitioner is aggrieved by the penalty bills issued to him on account of the unauthorised additional load. As far as penalty for unauthorised connected load is concerned, it is now settled law in view of the Bench decision of this Court in W.A.No.1231/2003 that the penalty has to be limited to the fixed charge portion. It is held that there shall not be any penalty by way of proportionate energy charges. The impugned demands are quashed making it clear that the liability of the petitioner shall only be for the penalty for fixed charge portion. The revised demand shall be issued to the petitioner and the amounts already remitted by the petitioner shall be adjusted.

The writ petitions are disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.Nos.16447 of 1999 and 13925 of 2000

JUDGMENT

14th March, 2007